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SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP UP FOR
THREE WEEKS ENDING MAY 9, 2008

This is CWC-17-08.

SUMMARY

¶1. (U) The weeks following the CWC Second Review Conference (RevCon) have been fairly quiet, due no doubt in part to post-RevCon exhaustion as well as a series of official holidays. The only consultations held were within the industry cluster, although two WEOG meetings, an Irish-hosted lunch, and a commemoration ceremony at the OPCW for victims of chemical warfare have offered ample opportunity for the delegation to begin gauging reactions to the process and outcome of the RevCon. In WEOG in particular, delegations now seem to be making the psychological shift from dissecting the process to evaluating the impact of the final document on the future work of the Organization.

¶2. (U) Much of the reporting that follows is part of the continuing process of assessing the results of the Second Review Conference. An initial U.S. assessment was released as THE HAGUE 349, and further detailed analysis of both the process and substance of the RevCon will be forthcoming.

REVCON FEEDBACK

WEOG Meeting April 22

¶3. (SBU) At the WEOG meeting April 22, immediately following the Second Review Conference, it was clear that the experience of the preceding two weeks, particularly the last several days, had resulted in widespread disappointment and dissatisfaction with the process. Several delegations noted their concern that negotiations have become much more politicized over the past several years, and that distrust between groups/blocs of countries (most notably the Non Aligned Movement/NAM) has increased. A number of delegations also noted that the exclusivity of the

negotiating group and the complete lack of transparency of process could easily lead to a result (report) of questionable legitimacy and long term loss of support for the Organization.

¶4. (SBU) Negotiating tactics were also a subject of lengthy discussion. Delegations admitted that, while frustrating, the NAM tactics had been quite effective, and that more coordinated WEOG efforts could be useful in future sessions. Austria in particular noted that the NAM text presented as a counter-proposal to the Chair's draft was an extreme position, whereas most WEOG members came in with fairly moderate suggestions, and that perhaps WEOG should also consider opening negotiations with more extreme positions. There was also widespread agreement that the &NAM common position8 is anything but that, and that moderate NAM members are unfortunately reluctant to speak out against positions established almost solely by the most radical of the NAM membership. Several delegations also raised the possibility of simply not having a concluding document of the Conference, as opposed to agreeing to something of little to no value (or, in the worst case scenario, harm) to the Organization.

¶5. (SBU) When the group turned briefly to substance, Amb. Maarten Lak of the Netherlands noted several positive elements of the report, and suggested that upcoming WEOG meetings focus on how to use the EC to move the work of the Organization forward. Although Canada noted its concern that the document is, in

some areas, weaker than the report of the First RevCon, several other delegations acknowledged that the final report was probably the best possible outcome given the political dynamics.

WEOG Meeting May 6

¶6. (U) At the follow-up WEOG meeting on May 6, most delegations were clearly unprepared to talk about the implications of the RevCon report for the future work of the Organization. The Netherlands and Italy noted the importance of a proactive approach to shaping upcoming EC sessions, as opposed to reacting to NAM proposals, but did not offer specific areas of focus. U.S. Del, drawing on informal guidance from Washington, outlined five possible areas the U.S. would like to pursue in the coming months: enhancing the functioning and utility of the Scientific Advisory Board; improving the functioning of the EC; preparing the OPCW to address verification issues posed by advances in science and technology; increasing the use of the OPCW as a discussion forum for experts; and, continuing progress on national implementation. This was well received, and prompted other WEOG members to respond to and expand on the list.

¶7. (U) The Netherlands agreed that developing a more systematic approach to EC work was very important, and suggested addressing this in upcoming WEOG meetings. German Amb. Werner Burkart noted that as incoming WEOG Vice Chair, he would be happy to assist in this effort, but would appreciate more specific advice from interested delegations. Spain recommended that outreach to stakeholders be pursued vigorously as well, and WEOG coordinator Annie Mari suggested inviting OPCW Head of Media and Public Affairs Michael Luhan to address the group at the end of May. Amb. Javits also solicited feedback on the Public Service Announcement that was shown late on the last night of the RevCon; from the mixed reaction and the late hour of the screening, it was clear that another screening in WEOG might be useful.

Chinese Request for U.S. Assessment of RevCon Results

¶ 8. (U) On May 5, U.S. Del received a call from the Chinese delegate Gao Huijun, looking for the U.S. assessment of the Review Conference. Del replied in general terms that the U.S. was satisfied with the outcome, and saw good scope for future work. Gao noted that Beijing was also quite satisfied, and found the result balanced and perhaps even stronger than the report of the First RevCon. He also expressed China's appreciation for the constructive attitude and cooperation of the U.S. during the RevCon. U.S. and Chinese delegations agreed that follow up bilateral discussions on post-RevCon analysis and priorities would be useful.

&RevCon Post-Mortem8 Lunch

¶ 9. (SBU) On May 8, Irish Ambassador Richard Ryan hosted a lunch to discuss the outcome of the RevCon, lessons learned, and how to proceed in the coming months. Attendees included Director General Pfirter, Deputy Director General Freeman, and representatives from the U.S., UK, Germany, Netherlands, Sweden, Canada, Slovakia and Slovenia. Initial discussions covered old ground in terms of the abysmal process and lack of leadership in the Committee of the Whole (COW). The Director General and others spoke quite freely about the impact of the personality of the Chair of the COW (Algerian Amb. Dani), and the increasingly problematic role of the Non Aligned Movement in general, and Iran specifically.

¶ 10. (SBU) An idealistic desire to come up with guidelines that would prevent similar problems in future gradually turned into a realistic desire to simply capture the lessons learned for the Chair of the next RevCon. Amb. Javits noted the inevitable role personalities will play, and suggested that delegations focus on recommending improvements to the process that might mitigate this. His suggestions included the early establishment of facilitators for certain groups of issues, well before the Conference itself. A group of capable Ambassadors already familiar with the issues and various countries, positions would be invaluable, and could serve as a de facto &friends of the Chair8 group, which would be difficult to ignore in the way the General Committee was ignored by the Chairman of the COW at this Revcon.

¶ 11. (SBU) The group discussed the transparency of the process, which was clearly lacking in the second week, but also acknowledged the fact that the group of eighteen SPs was a vast improvement over previous CSP and RevCon negotiations, which have often come down to a back room deal between two or three SPs. U.K. Amb. Parker also noted that despite its efficiency, the system of email submission of comments to the draft text also lacked transparency. He recommended that if this system is used again in the future, delegations submitting comments should also be willing to post them on the OPCW external server.

¶ 12. (SBU) Discussions also covered the continued, and even growing, impact of Iran and a handful of other NAM members on the character of negotiations, and the use of consensus-based decision making as a de facto veto for those holding the most extreme positions. Delegations agreed that even threatening a vote on substance was dangerous, but several Ambassadors noted the European Commission method of operation, in which members understand that if an issue becomes bogged down, a simple majority can decide to move on (a procedural versus a substantive vote). There was agreement that this was useful, but also a lack of clarity in terms of how it could be applied in the OPCW context.

¶13. (SBU) In looking ahead, the Director General highlighted several aspects of the report. He pointed to the absence of a reference to an actual office in Africa as a positive step. He also stated that, in his view, Article X language leaves open the door for Iranian claims for indemnity of their victims of chemical warfare, and that he in particular has been assigned much of the responsibility for this issue. He then highlighted several upcoming efforts in the area of universality, to include using the former Pakistani Ambassador as a consultant to visit high level persons in Myanmar with whom he has close relationships, and the possibility of another Mediterranean conference. In his view, the decision not to hold such a conference might send the unfortunate signal that member states are not maintaining pressure on States Not Party to join the Convention.

¶14. (SBU) Pfirter also outlined some of the more immediate issues coming up for the June session of the Executive Council. He first mentioned the OPCW budget (both its introduction and the choosing facilitators), and the fact that the 2009 budget would again be zero nominal growth and contain a modest increase in OCPF inspections, while holding the number of inspections of other Schedules constant. Other issues included choosing new facilitators for a number of consultations, the pending Russian facility agreements and verification

plans for Maradykovskiy and Leonidovka, and the upcoming EC visit to Shchuchye, apparently now scheduled to begin September 8.

¶15. (U) U.S. Delegation distributed copies of Washington's spreadsheet breakdown of tasks assigned by the Revcon, suggesting that perhaps it could be a useful tool in analyzing the results of the Conference and planning future work. Amb. Javits was also asked to draft a short memo covering some of the lessons learned, and circulate it to the group for discussion.

INDUSTRY CLUSTER

¶16. (U) On May 6, Delreps attended the regularly scheduled meetings of the Executive Council's Industry Cluster. The two sessions were: (1) the Verification Information System (VIS), and (2) import/export transfer discrepancies.

¶17. (U) The demonstration of the VIS was similar to what was presented on the margins of the Review Conference and in earlier settings. What was new was a related presentation on the National Authority e-Declaration Software. This Technical Secretariat-developed tool will allow States Parties (SP) to submit their periodic Article VI declarations in an electronic format, much as is being done currently by the U.S. and a few other SPs using their internally-developed software. The first phase of this software, supporting OCPF and aggregate national data (AND) declarations, will be released during the last quarter of 2008. Training for this tool will be held for delegations on December 1 in The Hague, between the Annual Meeting of National Authorities and the Conference of States Parties. The second phase of this software, supporting Schedule 1, 2, and 3 declarations, will be released during the first half of 2009. The TS will be looking for SPs who are willing to test the new software and provide feedback for continual improvement of the tool.

¶18. (U) The discussion of transfer discrepancies was rather disappointing. India, which had expressed multiple concerns in the past, came to the meeting with instructions from capital to join consensus on the draft decision; this seemed to give a hope of success for this consultation. However, South Africa then launched into a long series of fairly small changes, which led to (at times incoherent) Iranian suggestions that further muddied the waters. In the end, the consultation came close to a stalemate, with delegations like Germany prepared to end further consultations. The co-facilitators (Japan and Switzerland) adeptly kept the consultation alive by suggesting that they would do their best to accommodate all of the suggestions made in a new draft decision within two weeks. The goal, at that point, will be to meet again to see if a consensus can be reached and a decision forwarded to the Executive Council for its meeting in late-June.

SCHEDULE 1 FACILITY AGREEMENT

¶19. (U) On April 24, Delrep presented to a representative of Policy and Review Branch (PRB, TS) a draft facility agreement for an industry Schedule 1 facility in the U.S. This draft, based on an earlier draft by the TS and formatted after last year's successfully finalized Schedule 2 facility agreement,

contains relevant input from the facility. PRB plans to lead the TS review of this draft over the next two weeks or so, with the goal of placing it on the agenda for the upcoming Executive Council (EC) meeting for consideration. If this can be finalized and distributed well in advance of the EC meeting, the hope is that it will increase the chances of its being approved at the late-June meeting.

DAY OF REMEMBRANCE FOR ALL VICTIMS OF CHEMICAL
WARFARE

¶20. (U) On April 29, the OPCW hosted a commemoration ceremony for the victims of chemical warfare. The program included the laying of a wreath at the memorial site behind the OPCW, and speeches by Director General Pfirter, Amb. Idris (Sudanese Chair of the Conference of States Parties), Secretary General of the Dutch MFA Kronenburg, and Vice Mayor of The Hague Huffnagel. Of note, the Director General's speech made reference to the Article X section of the RevCon report that highlighted the RevCon's mandate on assistance to the victims of chemical warfare.

¶21. (U) Javits sends.
Gallagher